IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR
:PRESENT:

THE HON'BLE MR JUSTICE: A.GOPAL REDDY

WRIT PETITION NO : 20166 of 2004

Between:
Dr. Mir Mahamood Ali Khan. .....
Petitioner

AND

1.Municipal Corporation of Hyderabad,
rep. by its Commissioner-cum-Special Officer, Tank Bund, Hyderabad.
2.Assistant City Planner, Circle,V, Town Planning Section,
Municipal Corporation of Hyderabad, Khairtabad.

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of respondents in resorting to take up demolition of my house property bearing No.8-2-629/2/7, in plot No.1 admeasuring 557 Sq.Yds., of Prabhakar layout, Road, No.13, Banjara Hills, Hyderabad, constructed as Back as in 1981 with prior permission as illegal, arbitrary, whimsical without any justification contrary to law and violative of Article 14, 21 300 (A) of the constitution of India and consequently direct the respondents not to take up any steps for demolition of the petitioners house property mentioned above in the best interest of justice and fair play.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Mr.B. Venkat Rama Rao, Advocate for the Petitioner and of Ms. G.Jyothi Kiran, S.C. for MCH., for the respondents.

The Court made the following ORDER :

"Post on 05.11.2004.

There shall be stay of demolition till then. In the meanwhile, the petitioner shall file an undertaking to the effect that in the joint survey, if it is found that the land in his occupation is more than the actual, he has no objection for taking the possession of the excess land by the Municipal Corporation.

The officials of the Municipal Corporation shall furnish a plan of the area which is illegally occupied by the petitioner, which is said to be the park area."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The Commissioner-cum-Special Officer, Municipal Corporation of Hyderabad,
Tank Bund, Hyderabad.

2.The Assistant City Planner, Circle,V, Town Planning Section,
Municipal Corporation of Hyderabad, Khairtabad.

3.One spare copy.

H.A.

DRAFTED BY : H.A.
DATED :04.11.04
APPROVED BY :

HIGH COURT

AGRJ

NOTE : POST ON 05.11.04

DATED : 03-11-04

ORDER:

WP NO.20166/04

INTERIM STAY